

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 8037 of 1993****For Approval and Signature:****HONOURABLE MR.JUSTICE AKIL KURESHI**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?

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DIVYAMANI J KANSARA & 3 - Petitioner(s)
Versus
JEHARABHAI H BORIYAVALA & 8 - Respondent(s)

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Appearance :

MR MUKUND M DESAI for Petitioner(s) : 1.2.1, 1.2.2, 1.2.3, 1.2.4, 1.2.5 - 4.
MR JITENDRA M PATEL for Respondent(s) : 1 - 7.
MS FALGUNI PATL, AGP for Respondent(s) : 8 - 9.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI**Date : 09/01/2006****ORAL JUDGMENT**

1. In the present petition, the petitioners have challenged an order dated 10-01-1992 passed by the

Deputy Secretary(Appeals), Revenue Department, Government of Gujarat. By the said order the Deputy Secretary allowed the revision application filed by the respondent nos. 1 to 7 herein. The order passed by the Collector on 16-07-1988 was set aside.

2.It appears that a piece of land bearing city survey no. 5918 of Lunawada admeasuring 1078 sq. mtrs. was granted to one Somabhai Panchal by the Government. The grant was on certain terms and conditions. One of the condition was that the land in question or the residential units to be constructed thereon will not be utilised or permitted to be utilised without the permission of the Collector. The land was transferred by said Somabhai Panchal in favour of respondents no. 1 to 7 herein. The petitioners are objecting to the said respondents acquiring the land in question. Certain proceedings have been filed between the parties. It is not necessary to take a detailed note of such proceedings. Suffice it to say that on 16-07-1988, the Collector ordered confiscating of land and vesting the same in the Government by allowing the appeal filed by the petitioners herein. Against the said order passed by the Collector, respondents no. 1 to 7 preferred a

revision application before the State Government. The Deputy Secretary allowed the revision application by impugned order dated 10-01-1992.

3. It is not in dispute that the petitioners had never applied for being granted the land in question. At no stage, the petitioners had shown any interest for being allotted the said land in their favour. The petitioners therefore, had no right to challenge the order passed by the revenue authorities in proceedings which did not concern the petitioners. The Collector ought not have entertained the appeal filed by the petitioners. Though the Deputy Secretary has found that condition no.4 was not breached while the land in question was transferred by Somabhai Panchal in favour of respondents no. 1 to 7, I find that it is not necessary to go into the correctness of such findings since in my view the petitioners have no locus standi to challenge the order passed by the Assistant collector. The present petition is also without locus standi. It may be noted that petition is not styled as one of Public Interest Litigation. In that view of the matter, I do not find it necessary to interfere with the order passed by the Deputy Secretary. The petition fails, hereby rejected.

Rule is discharged with no order as to costs.

(Akil Kureshi, J.)

(raghu)